

Amendments to the Drawings:

Attached are two (2) sheets of drawings showing proposed changes to ass the reference letters "IE" to each of Figures 2, 4A and 5. No new matter is added. Replacement formal drawings will be filed upon approval of these drawing changes.

REMARKS/ARGUMENTS

By the foregoing amendment, the reference designation “IE” has been added to Figures 2, 4A and 5 and a paragraph of the specification have been amended for clarification purposes. Also, independent claims 1, 21, 22, 24 and 25 have been amended to further clarify the claimed subject matter and claims 7 and 25 have been cancelled in view of the amendments to the language of the independent claims. No new matter has been added. Reconsideration is requested. Following entry of this amendment, claims 1, 6, 8-25 and 28-40 will be pending.

35 U.S.C. §112 Rejections

In the Office Action, claims 21, 22 and 24 were rejected as indefinite because they recited a “device” in the preamble but depended from a claim reciting a “system.” By the foregoing amendments, this inconsistency has been remedied.

35 U.S.C. §102(b) Rejections

Also in the Office Action, the previously stated anticipation rejections over United States Patent 6,068,629 (Haissaguerre et al.) and obviousness rejections Haissaguerre et al. in view of Jahns et al. (United States PG Pub. 2002/0002372) were maintained. The Examiner afforded no patentable weight to the amendments made in Applicant’s response to the last office action. The Examiner reasoned, at page 7 of the Office Action that the Applicant had not adequately defined what was met by the amended language.

The foregoing amendments have rendered the claims extremely clear and definite. As amended, the claims recite a bifurcated foot member that extends angularly from and to one side of the distal end of the elongate member. The claims further specify that the bifurcated foot member comprises a right foot member portion having an upper surface, an inner edge and a lower surface and a left foot member portion having an upper surface, an inner edge and a lower surface, the inner edges of the right and left foot member portions being juxtaposed to each other with an open area existing therebetween. This amended language is supported by the specification, including but not limited to pages 5-7.

The amended claims are patentably distinguishable over Haissaguerre et al. and Jahns et al. as neither of those references teaches or suggests a device having the claimed structure or any method for using a device having the claimed structure.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and issuance of a notice of allowance is earnestly solicited. The fees due in connection with the filing of this response are being paid electronically at the time of filing. The Commissioner is authorized to charge any underpayment, or credit any overpayment, to Deposit Account No. 50-0878.

May 24, 2010

Respectfully submitted,

/Robert D. Buyan/

Robert D. Buyan
Registration No. 32,460

STOUT, UXA, BUYAN & MULLINS, LLP
4 Venture, Suite 300
Irvine, CA 92513
Telephone: (949)450-1750/Facsimile: (949)450-1764